

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-___

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title VIII, Chapter 130: General Offenses; Noise Control, Sections 130.45 - 130.48 of the Lake Elmo Code of Ordinances to read as follows:

NOISE CONTROL

§ 130.45 NOISE PROHIBITED.

It shall be unlawful to make, continue, or cause to be made or continued, any noise in excess of the noise levels set forth unless noise is reasonably necessary to preserve life, health, safety, or property.

(1997 Code, § 1370.01) Penalty, see § 10.99

§ 130.46 MEASUREMENT OF NOISE.

(A) Any activity not expressly exempted by this section which creates or produces sound regardless of frequency exceeding the ambient noise levels of the property line of any property (or if a condominium or apartment house within any adjoining apartment) by more than 6 decibels above the ambient noise levels as designated ~~in the following table at the time and place and for the duration then mentioned, is a violation of this section, but any enumeration in this section is not exclusive.~~ by Minnesota Rule Part 7030.0040, Noise Standards.

Duration of Sound	7:00 a.m. to 6:00 p.m. (All Districts)	6:00 p.m. to 7:00 a.m. Residential District and 6:00 p.m. to 7:00 a.m. (All Other Districts)	10:00 p.m. to 7:00 a.m. (Residential Districts)
Less than 10 minutes	75 db	70 db	60 db
Between 10 minutes and 2 hours	70 db	60 db	50 db
In excess of 2 hours	60 db	50 db	40 db

~~(B) In determining whether a particular sound exceeds the maximum permissible sound level in the above table:~~

~~—(1) Sounds in excess of the residential district limitations as measured in a residential district or other districts; and/or~~

~~—(2) During all hours of Sunday and state and federal holidays, the maximum allowable decibel levels for residential districts are as set forth in the table in division (A) above.~~

(1997 Code, § 1370.02) Penalty, see § 10.99

§ 130.47 CONSTRUCTION EQUIPMENT.

(A) Purpose. The City understands that exceeding decibels above the ambient noise levels is necessary from time to time in order to use heavy equipment to perform construction activities and make necessary improvements within the City. The following sets forth specific times during which such heavy equipment that exceeds the ambient noise level may be used.

(B) Definitions. For purposes of this Section, the following definitions shall apply:

HEAVY EQUIPMENT. Compactors/rollers, cranes, bulldozers, dump trucks, excavators, forklifts, graders, jackhammers, loaders, pavement breakers, pile drivers, portable crushers, tractors, trenchers, or other pieces of equipment that generate similar levels of noise.

OPERATED. Engine start-up or warm-up, delivery and loading/unloading of equipment/supplies or any activity involving heavy equipment that exceeds ambient noise levels.

~~(A)-(C) Except as stated, no pile driver, jackhammer, or other construction equipment shall be operated between the hours of 6:00 p.m. to 7:00 a.m. on weekdays and during any hours on Saturdays, Sundays, and state and federal holidays. Heavy equipment may be operated in excess of ambient noise levels between the hours of 7:00 a.m. to 7:00 p.m. on weekdays and on Saturdays from 9:00 a.m. to 3:30 p.m. No heavy equipment exceeding ambient noise levels shall be operated on Sundays or state and federal holidays. No heavy equipment shall be operated at any time under any circumstances if the sound noise level from the operation exceeds 100 decibels measured along any property line. However, if the decibel maximum sound limit is reduced to 95 decibels effective the second anniversary of the enactment of this code, and 90 decibels effective the fourth anniversary; and the operation of the equipment conforms to the maximum allowable sound levels as stated in this section; it may be operated during the above prohibited hours and days. When any of the above named equipment is used for any purpose other than construction, the ambient noise levels apply.~~

~~—(B) No internal combustion engine or any other power unit when operated in connection with construction or demolition equipment shall be operated at any time other than at the times as set forth in this section and any sound emitted from any engine or power unit shall not exceed 83 decibels measured along the property line.~~

~~(C)(D) If an emergency situation exists or if substantial economic loss would result to any person unless allowed additional hours of equipment operation, a special permit may be granted for extended hours of operation of the construction equipment and internal combustion engine or power unit as follows. In the event of an emergency situation, a permit Heavy equipment may be operated in excess of the ambient noise levels during times not allowed by paragraph (C) of this Section if it is found by the City Administrator that the activity is of urgent necessity and is in the interest of the public health, safety or welfare. The City Administrator must grant written permission. Permission by the City Administrator may be granted for the operation of heavy equipment in excess of the ambient noise levels during any hour of any day for a period not to exceed 3 days or less while the emergency continues. This permit Written permission may be renewed by the City Administrator for periods of 3 days or less while if the emergency continues.~~

~~(E) (2) In the event of a determination of substantial economic loss to a person, a special permit may be granted for the operation throughout the hours of 7:00 a.m. to 9:30 p.m. on weekdays and throughout the hours of 1:00 p.m. to 5:00 p.m. on Saturdays, Sundays, and state and federal holidays upon the condition that while any construction equipment, internal combustion engine, or power unit is in operation, its location shall not be less than 600 feet in any direction from any dwellings, except that if while any construction equipment, internal combustion, or power unit is in operation, its location shall be no less than Activities involving operation of heavy equipment producing a noise level of up to 95 decibels that takes place no less than 1,200 feet in any direction from any dwelling, a permit may be allowed, by written permission granted by the City Administrator, for operation during any hour of any day. Ambient noise levels must be maintained at all property lines.~~

§ 130.48 OUTDOOR IMPLEMENT.

(A) Except as stated, any power lawn mower, snowblower, power hedge clipper, power saw, or other implement, designed primarily for outdoor use, shall be operated only between the hours of 7:30 a.m. to 9:00 p.m. on weekdays, or between the hours of 9:00 a.m. to 9:30 p.m. on Saturdays, Sundays, and state and federal holidays.

(B) However, if the equipment operation conforms to the ~~maximum allowable sound ambient noise~~ levels as stated, it may be operated during the above prohibited hours.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-__ was adopted on this __ day of _____, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-__ was published on the ____ day of _____, 2016.